IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 11879 of 2004

Between:

1. Sri Mantena Murali Mohan Krishnam Raju s/o Ramaraju
   R/o Penumandra Village & West Godavari District
2. Kiladi Nageswara Rao S/o Chinna Satyanarayana
   R/o Kanchumari Village, Attili Mandal, West Godavari District

..... PETITIONERS

AND

1 The Commissioner, Endowments Department, Hyderabad
2 The Regional Joint Commissioner, Endowments Department, Kakinada
3 The Manager Sri Rameshwara Swamy Temple Nattarameshwaram, Penumandra (Vilg & Mdl) West Godavari District
4 The Chairman Sri Rameshwara Swamy Temple, Nattarameshwaram, Penumandra (Vilg & Mdl) West Godavari District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ or order or direction, more especially one in the nature of Writ of Mandamus or any other appropriate Writ directing the Respondents to ratify the appointment orders dt.28-04-2004 issued by the 4th respondent appointing the 1st petitioner as Record Assistant and 2nd Petitioner as Night Watchman-cum-Attender by declaring the action of the Respondents in not acknowledging/ratifying the appointment orders issued in favour of the petitioners as arbitrary illegal and unconstitutional.

Counsel for the Petitioner: MS.I.MAAMU VANI

Counsel for the Respondents 1 & 2: G.P. for Endowments.

Counsel for the Respondents 3 & 4: Smt.N.Indrani

The Court made the following:

THE HONOURABLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION NO.11879 OF 2004

ORAL ORDER:

The petitioners are appointed as Record Assistant and Attender-cum-Night Watchman respectively, by the 4th respondent through the proceedings dated 28-4-2004 to come into effect from 01-05-2004. The action of the 4th respondent has to be ratified by the first respondent.

The petitioners contend that the 4th respondent sent a letter dated 24-05-2004 to the first respondent informing that as per the proceedings of the Commissioner in Rc.No.B-2/488 of 2002 dated 02-01-2002, he has appointed the petitioners on 28-04-2004, and sent the copies of the appointment orders for ratification.

The learned counsel representing the third respondent submitted that the first respondent issued an order in Rc.No.J4/49452/2003 dated 29-09-2003 issuing instructions to all the Regional Joint Commissioners, Deputy Commissioners, Assistant Commissioners and 6-A institutions, not to submit proposals for a period of one year in filling up the vacancies either regular or temporary and the period has been extended till further orders.

The proceedings of the commissioner are clearly showing that there is a ban on filling up the vacancies either regular or temporary in any of the 6(a) institutions. The third respondent institution is a 6(a) institution.

The petitioner is seeking a direction to the first respondent to ratify the appointment orders dated 28-4-2004 issued by the 4th respondent appointing the first respondent as Record Assistant and second respondent as Night Watchman-cum-Attender.

In the light of the proceedings of the Commissioner dated 29-09-2003, there cannot be any direction to ratify the action of the 4th respondent. But the grievance of the petitioners is that the first respondent did not pass any orders

on the letter sent by the 4th respondent.

The first respondent is therefore, directed to pass appropriate orders within 60 days from the date of receipt of this order on the letter of the 4th respondent dated 24-05-2004, keeping in view the existing rules and the proceedings dated 29-9-2003.

The Writ Petition is accordingly disposed of.

Dr. G.YETHIRAJULU, J

19th July, 2004.

SKM/USD

To

1 The Commissioner, Endowments Department, Hyderabad
2 The Regional Joint Commissioner, Endowments Department, Kakinada
3 The Manager Sri Rameshwara Swamy Temple Nattarameshwaram, Penumandra (Vilg & Mdl) West Godavari District
4 The Chairman Sri Rameshwara Swamy Temple, Nattarameshwaram, Penumandra (Vll & Mdl) West Godavari District.

5. Two C.Cs. for G.P. for Endowments, High Court Buildings, High Court

of A.P., Hyderabad (OUT)

6. Two C.D.copies.